



DERBY CITY COUNCIL



Annual Report of the Standards Committee 2009/10



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The Standards Committee of Derby City Council Annual Report 2009 – 2010

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Foreword by the Chair

It is with honour that I address you as Chair of the Standards Committee following my election to this position on 28 May this year. However, that honour is tinged with sadness as we say farewell to our outgoing Chair, Canon Barrie Blowers, who for nine years steered the Council through the standards minefield. I'm sure the Committee shares my feelings of gratitude for the service he provided to the city and the Council over many years.

I would also like to pay tribute to Michael Foote, the Monitoring Officer and Deputy Chief Executive, for his support to the Committee over the years. We wish him a fulfilling retirement after 22 years service with Derby City Council.

The recent local and Parliamentary elections have provided plenty of twists and turns. Once again, no one party has emerged with total control of the Council. There is a long tradition of vibrant and passionate debates in Derby's Council Chamber. I would hope that councillors will continue to maintain high standards of behaviour throughout the coming year and focus their debates on the topic in



hand rather than the councillor responsible.

The change of national government brings with it some uncertainty to the future of the current Standards Framework. In the recent Queen's Speech the Government announced that the proposed Decentralisation and Localism bill will include proposals to abolish the Standards Board regime. Unfortunately, aside from this statement, we do not currently have clear details of what this means and what form the Standards Framework is to take in the future. Standards for England have assured me that until such time as the relevant legislation is passed, the statutory framework will remain in place.

During the course of the last year, the Independent Members of the Committee have met with each political group. Each

discussion proved to be very worthwhile and there were a number of issues raised that I would like the Standards Committee to focus on in the coming year. The discussions unearthed a number of protocols of which we were not aware, covering issues such as election campaigning. I think these protocols need to be reinforced and better publicised.

The discussions with the three political groups provided a valuable insight to us as Independent Members and it is

intended that we can repeat this process on a regular basis. I am also pleased to say that I had the assurance from the leaders of all three groups that, whatever the future may have in store for the Standards Framework, Councillors will still continue to be independently monitored in Derby.

Philip Sunderland

**Independent Member and
Chair of the Standards Committee**

June 2010

The Role of the Standards Committee

The Standards Committee promotes and maintains the high standards of conduct among Derby City Council's 51 elected members, as well as co-opted members and church and parent governor representatives.

The Standards Committee is responsible for the following activities:

- assisting the elected and co-opted members to observe the Members' Code of Conduct
- monitoring the operation of the Members' Code of Conduct, Member/Officer Protocol and other ethical codes or protocols
- determining complaints referred by the Monitoring Officer for independent consideration in line with the Members Complaints Procedure
- advising the Council on the adoption or revision of the Members' Code of Conduct, Member/Officer Protocol and other ethical codes or protocols
- advising and training elected and co-opted members on matters relating to the Members' Code of Conduct
- granting dispensations to councillors, co-opted members and church and parent governor representatives on interests as set out in the Members' Code of Conduct
- dealing with any reports from a case tribunal or an interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer
- providing Independent Members, other than the Chair, for panels determining the final stage of Social Services complaints.

The Committee also considers alleged Code of Conduct breaches made against Members of Derby City Council. There is an initial assessment stage when an Assessment Sub Committee, made up of three Members of the Standards Committee and chaired by an Independent Member, considers if a complaint amounts to a potential breach. If it does, the Sub Committee needs to decide if it should be investigated or dealt with by other means such as mediation or training.

Complainants can appeal decisions made by the Assessment Sub Committee. Any appeal will be considered by a Review Sub Committee, made up of three different Members of the Standards Committee that those who considered the original complaint. The Review Sub Committee will assess the original decision and decide whether to support or reject it.

If a complaint is investigated, an independent solicitor will carry out an investigation on behalf of the Council.

The Standards Committee will meet to consider the investigation report and will hear evidence and representations to determine if there has been a breach of the Code of Conduct. If the Committee feel there has been a breach it will decide what sanctions are appropriate.

More serious cases can be referred to the First Tier Tribunal (Local Government Standards in England) which is part of the General Regulatory Chamber. This body has the power to disqualify a councillor for up to five years.

Members of the Committee

Reverend Canon Barrie Blowers was a founding Independent Member of the Standards Committee when it formed in 2001. He was the Chair of the Committee until his retirement at the end of the 2009/10 municipal year.



Cynthia McDowall was also a founding Independent Member of the Standards Committee, joining in 2001. The 2010/11 municipal year will be Cynthia's last term of office.

Dionne Reid has been an Independent Member of the Standards Committee since 20 May 2009. Dionne was elected Vice Chair of the Committee on 28 May 2010.



Philip Sunderland has been an Independent Member of the Standards Committee since 24 May 2006. Philip was elected Chair of the Committee on 28 May 2010.

Councillor Maggie Hird was elected to the Council in 2002 and a Member of the Standards Committee since 20 May 2009. She is the Deputy Mayor of the Council, Chair of the General Licensing and Taxi Licensing and Appeals Committee as well as Liberal Democrat Group chief whip.





Councillor Barbara Jackson was elected in 1995 and has been a Member of the Standards Committee since 24 May 2006. She is Labour Group Secretary, a former Mayor of the City and the Shadow Cabinet Member for Leisure and Culture.

Councillor Matthew Holmes was elected to the Council in 2007 and was Member of the Standards Committee until 26 May 2009. Councillor Holmes is now Deputy Leader of the Council and the Conservative Group and Cabinet Member for Planning and Environment.



Since 26 May, 2010, there have also been two new Independent Members to the Committee, Peter Purnell and Peter McCrea, while Councillor Matthew Holmes has been replaced by Councillor Robin Wood, who has previously served on the Standards Committee.

The Monitoring Officer and Officer Support

Councils have a duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision making. The Monitoring Officer effectively serves as the guardian of the Council's Constitution and the decision-making process. The Monitoring Officer works closely with the Standards Committee to assist it in its role of promoting and maintaining high standards of conduct

Derby City Council's Monitoring Officer throughout 2009/10 has been the Deputy Chief Executive, Michael Foote. From 3 July, 2010, the Monitoring Officer will be the Director of Legal and Democratic Services, Stuart Leslie. The Committee is also supported by the Head of Legal Services (General), Olu Idowu, and by the Assistant Director – Democratic Services, Steve Dunning, who provides policy advice to the Standards Committee and assists them in the formulation of new policy documents. Meetings of the Committee are serviced by the Council's Constitutional Services team.

Business of the Standards Committee

Local Assessment of Complaints

This has been a busy year for the Standards Committee. The Assessment Sub Committee met eight times to consider 17 separate complaints about alleged breaches of the Code of Conduct. The Review Sub Committee also met five times to Assessment Sub Committee decisions. More detail is provided in page 12.

Regulations state that all complaints must be heard within 20 days of receipt, something we have adhered to throughout the year.

Members' Allowances

In light of the controversy experienced in Westminster over MPs' expenses, the Chair asked for a report on Members' Allowances at Derby City Council to understand the relevant issues. The Committee considered a Local Government Information Unit briefing on the matter and compared this to the Council's Members' Allowances Scheme.

Annual Assembly of Standards Committees

Dionne Reid attended the Standards for England Conference this year and once again found it a useful experience.

Among the recommendations put into action was the production of this Annual Report describing the Committee's work.

Meetings with the Political Groups

The Independent Members met with the three political groups represented on the Council during the year. This was an opportunity for the Independent Members to gauge how the elected Members viewed the Standards Framework and to give any feedback on how it could be improved.

These meetings unearthed a number of protocols that the Standards Committee were not aware of, such as the election campaigning protocol and the Neighbourhood Forums Guide. The Standards Committee Members plan to review these issues in the coming year.

Corporate Governance Review

In January, the Committee considered the Council's Corporate Governance Review report and were asked to provide some input. The Members of the Committee gave their views on how it could be improved and suggested that in the coming year they could review the Council's codes of conduct and help create a partnership working code of conduct.

Recruitment of an Independent Member

The Independent Chair of the Standards Committee Canon Barrie Blowers announced his retirement last year. This prompted a recruitment drive for a new Member. Two candidates were selected for interview and because they were of such a high calibre both were recommended by the Standards Committee to be appointed by Council. The new Members are Peter McCrea and Peter Purnell.

Standards for England Briefing Papers

The Committee considered a number of briefing papers from Standards for England providing guidance on:

- Actions an Assessment Sub Committee could take if it decided there was a potential breach but that it was not serious enough to warrant investigation

- Standards Board Intervention where a Standards Committee is considered to be failing in its duty
- Establishing of Joint Standards Committees with other local authorities to share the workload
- Dispensations that the Standards Committee can give to councillors who are considered to have a prejudicial interest in an issue.

Training

The Standards Committee arranges regular training on the ethical framework. This takes the form of a session at the annual induction of new councillors plus an update in the autumn for all elected and co-opted members, including Independent Members of the Standards Committee.

Committee Members attend regional events organised by Standards for England. Philip Sunderland also attends meetings of the network of individual members of Standards Committees.

Consideration of Complaints

The period from May 2009 to April 2010 was the Committee's busiest year yet. A summary of the meetings held is detailed below:

Standards Committee	5
Assessment Sub Committee	8
Review Sub Committee	4
Standards Committee (Hearings)	5

The Standards Committee considered 17 complaints during this period. In eight of the 17 instances, the Assessment Sub Committee decided there had been a potential breach and referred the matters to the Monitoring Officer for investigation.

- One case was about an email exchange between two councillors where one found their comments to be personally insulting.
- Five complaints related to comments made by one councillor and broadcast on television.

- One complaint was about the conduct of a councillor who had visited a resident's home.
- The remaining complaint related to the manner in which one political group had tried to present a petition.

In six of the eight cases taken to investigation, it was found that there had been breaches. In the other two instances, it was found that there had been no breach.

Of the nine remaining cases where the Assessment Sub Committee decided to take no further action, five appellants requested that the decision on their complaint be reviewed. In all cases the Review Sub Committee upheld the decision of the Assessment Sub Committee.

A Comparison with Neighbouring Local Authorities

To put the complaints we received into a wider context, we have compared our business over the two years between 8 May 2008 and 31 March 2010 with that of some neighbouring authorities: Derbyshire County Council, Leicester City Council and Nottingham City Council. The table below compares the number of complaints received and how they were dealt with.

	Complaints received and assessed	No further action	Investigated	Referred to Standards for England
Derby City Council	19	10	9	0
Derbyshire County Council	3	1	2	0
Leicester City Council	14	13	1	0
Nottingham City Council	3	0	2	1

Contacts

For further information about the role of the Standards Committee or standards issues in general, please contact either of the following:

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